

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FELIPE MICHAEL GARZA,

Defendant.

CR 24-65-M-DWM

ORDER

Counsel for the defendant has moved unopposed to order a psychiatric or psychological evaluation and report pursuant to 18 U.S.C. § 4241(b). (Doc. 21.) Having reviewed the motion, there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See* 18 U.S.C. § 4241(a). Accordingly,

IT IS ORDERED that Defendant's May 19, 2025 jury trial and associated deadlines are VACATED.

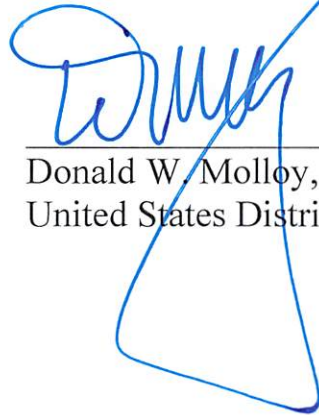
IT IS FURTHER ORDERED that Defendant's Unopposed Motion for Psychiatric or Psychological Evaluation and Report (Doc. 21) is GRANTED. Pursuant to 18 U.S.C. § 4241, the defendant is committed to the custody of the Attorney General, for a period not to exceed thirty days, for placement in a suitable federal facility to undergo a psychiatric or psychological evaluation to determine if the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. This period of time may be extended pursuant to 18 U.S.C. § 4247(b) at the request of the facility. The Attorney General shall designate and make a bed available for this purpose no later than May 8, 2025.

IT IS FURTHER ORDERED that, upon completion, the psychiatric or psychological report be filed with the Court pursuant to 18 U.S.C. §§ 4247(b) and 4247(c). Additionally, the Government is prohibited from using any statements the defendant may make during the examination against him. However, if the defendant uses the competency report at trial or sentencing as a defense, the Government may use the report as well. *See United States v. Nguyen*, 962 F. Supp. 1221, 1222 (N. D. Cal. 1997).

IT IS FURTHER ORDERED that the United States Marshal Service shall transport the defendant to his place of examination within 10 days from the date of

notice that a bed has been made available for him. *See* 18 U.S.C. § 3161(h)(1)(A).

DATED this 8th day of April, 2025.



Donald W. Molloy, District Judge
United States District Court